

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW MEXICO**

**IN RE:**

**LA FAMILIA PRIMARY CARE, P.C.,  
A New Mexico Professional Corporation,**

**Case No. 23-10566-t11**

**MOTION FOR AN *EX PARTE* ORDER SHORTENING DEADLINE TO OBJECT TO  
DEBTOR'S EMERGENCY MOTION FOR ORDER FINDING AND ORDERING THAT  
APPOINTMENT OF PATIENT CARE OMBUDSMAN IS NOT NECESSARY, AND  
SETTING FINAL HEARING FOR AUGUST 7, 2023 AT 10:30 A.M.**

La Familia Primary Care, P.C., the Debtor-in-Possession in the above-captioned Chapter 11, Subchapter V Case (the “Debtor” or “La Familia”), by and through its attorneys, Business Law Southwest, LLC (Shay Elizabeth Meagle), respectfully moves the Court for entry of an *ex parte* order setting the Final Hearing upon Debtor’s Emergency Motion for Order Finding and Ordering That Appointment of Patient Care Ombudsman is Not Necessary [Doc. 30, filed August 2, 2023] (the “Ombudsman Motion”) on Monday, August 7, 2023 at 10:30 a.m. and shortening the deadline to object to the Ombudsman Motion, requiring that any written objection thereto may be filed prior to such hearing or may be raised verbally at such hearing. In support of this Motion, Debtor states:

1. The Petition in the above captioned Bankruptcy Case (the “Case”) was filed on July 19, 2023 (the “Petition Date”).
2. Debtor indicated on its Petition that it is a Health Care Business.
3. Pursuant to 11 U.S.C. §333(a), the Court is required, within thirty (30) days of the Petition Date, to enter an order for appointment of a patient care ombudsman in this Case, unless the Court finds that such appointment is not necessary.
4. Such statutory deadline expires on August 18, 2023.

5. Debtor has shared with the Court, the U.S. Trustee, and all other parties to the Cash Collateral Motion or who have entered an appearance herein, from early on that Debtor intended to file a motion such as the Ombudsman Motion.

6. Unfortunately, because of the circumstances of this case and filings that needed to be done prior to the Ombudsman Motion, Debtor's counsel was unable to file such Motion until today, August 2, 2023.

7. Considering the Court's hearing schedules and the considerations in this case, it makes sense to determine as soon as practicable whether a patient care ombudsman is necessary in this Case.

8. Debtor believes the evidence will be straightforward and as to some issues, reflect much of the evidence already offered in support of the Cash Collateral Motion.

9. None of Debtor's patients are creditors herein, and Debtor does not believe any other party will have much, if any evidence to present or offer in opposition to the Ombudsman Motion.

10. Debtor understands that the United States Trustee's Office may have a broad policy requiring opposition to such Motions and has no knowledge of whether the US Trustee will have any specific objection to the Debtor's Ombudsman Motion.

11. The Final Hearing on Debtor's Cash Collateral Motion is already set to be heard on Monday, August 7, 2023. Because counsel for the U.S. Trustee and Debtor, among others, are already involved and plan to attend such hearing, it makes sense to schedule the hearing on the Ombudsman Motion at the same time.

12. Further, this will allow the Court sufficient time to rule upon such Motion and either find that appointment of a patient care ombudsman is not necessary or enter an order for the appointment of an ombudsman in compliance with the statutory deadline.

13. A proposed order will be uploaded shortly after the filing of this Motion.

WHEREFORE, Debtor respectfully requests the Court to enter an *ex parte* order setting the Final Hearing on the Ombudsman Motion on **August 7, 2023, at 10:30 a.m.**, shortening the period for objections to such Motion, requiring that written objections may be filed prior to the hearing or objections may be raised verbally at the hearing; and for other and further relief as this Court deems just and appropriate.

Respectfully submitted,

BUSINESS LAW SOUTHWEST, LLC

/s/ Shay Elizabeth Meagle

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*Bankruptcy Counsel for Debtor*

### **CERTIFICATE OF SERVICE**

This certifies that a copy of the foregoing Motion was filed electronically on August 2, 2023 and was served electronically by use of the bankruptcy court's electronic transmission facilities on August 2, 2023 on all parties who had entered an appearance in this case prior to the time of such service. in accordance with Bankruptcy Rules 4001(b)(1)(C).

/s/ Shay Elizabeth Meagle

Shay Elizabeth Meagle